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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,683	01/28/2002	Heng-Yi Wang	JCLA8057	4008

7590 06/24/2004

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 4 Venture, Suite 250
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EXAMINER

TU, CHRISTINE TRINH LE

ART UNIT	PAPER NUMBER
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2133

DATE MAILED: 06/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/058,683

Applicant(s)

WANG, HENG-YI

Examiner

Christine T. Tu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-98 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4 is/are allowed.
- 6) ☒ Claim(s) 5-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 13 (second appearance) - 18 been renumbered 14-19.

Claim Rejections - 35 USC § 112

1. Claims 5-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5:

At line 9, it is not clear whether the term "test result signals" refers to the previously recited "actual test results" (at line 11 of claim 1). If that is the case, the term "test result signals" should be replaced with --said actual test results--. In other words, consistency of a term should be used throughout the claims.

The term "the test result signals" at line 11, and the term "the test signals" at lines 12 and 14 should be replaced with --said actual test results-- if these terms are referring to the previously recited "actual test results" (at lines 11 of claim 1).

At line 11, it is not clear whether the term "normal test result signals" refers to the previously recited "simulated test results" (at line 7 at line 1). If that is the case, the term

“normal test result signals” should be replaced with –said simulated test results–. In other words, consistency of term should be used throughout the claims.

The term “the normal signals” at lines 12 and 14-15 should be replaced with –said simulated test results—if this term is referring to the previously recited “simulated test results” (at line 7 of claim 1).

Claim 6:

At lines 2-3, it is not clear how a “(1st) read only memory unit holds test pattern data program codes and outputs test data signals since a memory can only be used for storing (or holding) data (test pattern data program codes). A memory CANNOT convert test pattern data program code into test data signals.

At lines 4-5, it is not clear how a “(2nd) read only memory unit holds test pattern length codes and outputs test length signals since a memory can only be used for storing (or holding) data (test pattern length codes). A memory CANNOT convert test pattern length codes into test length signals.

At line 7, it is not clear what is being count by the counter.

At line 12, it is not clear where the normal test result waveform is coming from?.

At line 14, in what condition will the comparator output “an indication signal”?

At lines 16-17, the phrase “the control device ... outputs the indicator signal” is confusing. It is not clear exactly which element (the comparator or the control device) should output the indicator signal since the phrase “the comparator ... outputs an indicator signal” is also previously recited (at lines 12-14).

Claim 11:

At line 3, it is not clear how a "switching device" can outputting a control signal or the word "switching" is wrong of use. In other words, the switching device should be used for switching, not for outputting control signals.

Claim 13:

At lines 3-4, it is not clear how a "(1st) read only memory unit holds test pattern data program codes and outputs test data signals. In other words, a memory can only be used for storing (or holding) data (test pattern data program codes). A memory CANNOT convert test pattern data program code into test data signals.

At lines 5-6, it is not clear how a "(2nd) read only memory unit holds test pattern length codes and outputs test length signals since a memory can only be used for storing (or holding) data (test pattern length codes). A memory CANNOT convert test pattern length codes into test length signals.

At line 8, it is not clear what is being count by the counter.

At line 10, it is not clear where the normal test result waveform is coming from.

At line 12, in what condition will the comparator output "an indication signal"?

At lines 14-15, the phrase "the control device ... outputs the indicator signal" is confusing. It is not clear exactly which element (the comparator or the control device) should output the indicator signal since the phrase "the comparator ... outputs an indicator signal" is also previously recited (at lines 12).

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Claim 19:

At line 2, it is not clear whether the term "normal test result signals" refers to the "normal test result waveform" as previously recited (at line 10 of claim 13). If that is the case, consistency of a term should be used throughout the claims.

Claims 7-10, 12 and 14-18:

These claims are rejected because they depend on claims 6 11 and contain the same problem of indefiniteness.


2. Claims 1-4 are allowed.
3. Claims 5-19 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine T. Tu whose telephone number is (703)305-9689. The examiner can normally be reached on Mon-Thur. 8:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on (703)305-9595. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Christine T. Tu
Primary Examiner
Art Unit 2133

June 21, 2004